Case 1:09-cv-04000-SLT -LB Document 1	Filed 09/08/09 Page 1 of 22
ORIGINAL	RECEIVED
UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK	SEP 0 8 2009
X	PRO SE OFFICE
COLONEL A. ADAMS	
Plaintiff,	COMP 4000
-against -	ps.
WARNER BROTHERS PICTURES NETWORK, AND CASTLE ROCK ENTERTAINMENT, AND DISCOVERY OR SCIENCE CHANNEL NETWORK, DVICE NUVA, DAYTONA ELEVATOR, MCKINLEY EL PNEUMATICS VACUUM ELEVATORS LLC, INDIANA ENGADGET PNEUMATIC VACUUM ELEVATOR, AND PNEUMATIC ELEVATOR: Defendants	
I. Parties:	
Plaintiff Colonel A. Adams, resides at 87 – 44 (718) 846 – 3040 County of Residence of Queens	124 th Street, Jamaica, NY 114 ¹ 18
Defendants Warner Brothers Pictures Network, 4000 Warner Boulevard Burbank, California 91522 (Hea (818) 954 – 6387 (Fax.(818) 9 1325 Avenue Of Americas (6 th Ave (212) 636 -5000 Defendants Discovery or Science Channel Network, One View Lane P. O. Box 1089 Flot (859) 342 – 8439 or 8409	adquarters) 954 – 6387) e.) New York, NY 10019 work(Headquarters),
(800) 840 – 9869 641 Lexington Avenue New York, N (212) 751 – 2120	IY 10022

Defendants are an corporation, incorporated under the laws of California, Florida, Indiana, Kentucky, and having a main office in their states, and some are licensed to do business in New York.

(Continued on Page 1A)

Cont'.

Page 1A

Defendants* Dvice 30 Rockefeller Plaza, 21th Floor

30 Rockefeller Plaza, 21" Floor New York, New York 10112 (Copyright 2009)

Defendants*Daytona Elevator (386) 423 – 7226 htt://www. Daytonaelevator.com/ requestform2.htm (Copyright 2004) 440 Spring Forest Dr. New Smyrna Beach Florida, 32168

Defendants* Mckinley Elevator Corporation 17611 Armstrong Avenue Irvine CA 92614 1 - (888) 553 - 8850 (Copyright 2006)

Defendants* Pneumatic Vacuum Elevators LLC, 14804 S W 136th Street Miami, FL 33196 (305) 235 – 6707 E – Mail: info @ vacuumelevators.com

Defendants* Indiana Residential Elevator, Inc. Emergency # 24/7 (317) 562 – 9833 htt://www.vacuumelevator.com/

Defendants* Engadget The Pneumatic Vacuum Elevator http://www.engadget.com/2005/05/02/the-pneumatic-vacuum-elevator/

Defendants* Batch/continuous Pneumatic Elevator
(866) 648 – 4151
http://www.thefreelibrary.com/Batch%2Fcontinuous+elevator-a0 - 140095620

Cont.

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The jurisdiction of the Court is invoked pursuant to:

28 U.S.C. SS 112, New York State; 28 U.S.C. SS 139 (S) Corporation; 28 U.S.C. SS 1400 (a) Copyright Action 820 Property Rights; (5 U.S.C. SS 552) Privacy Act; (Title 17 U.S.C. Of The Copyright Act SS 101/501 – 504 Of The Unfair Competition Act and Statutes/ Trade Secrets Act SS 45 – 49., etc.

BACKGROUND

Procedural History

NOTICE IS HEREBY GIVEN that Plaintiff, Colonel A. Adams request a refile reconsideration remand motion based on the following circumstances of law and statutes concerning previous case (1: 05 -CV- 5211 (SLT) (LB) and new Action to be filed concerning second Infringement by parties, and flawed Court Records and Judgment concerning plaintiffs U.S. Constitutional rights as an copyright author and citizen.

In addition, pursuant (" Discovery ") Rule SS 13, 24 – 31, 46, 52(4), 53 C.J.S 635, A & E / 78 Motions & Orders 60/ 131 – 133 A & E, C.J.S.; because items are critical to previous case and new application it is essential to the merits and record of the Court that these Federal Questions be addressed for new trial concerning second infringement matters and case. In reference to issues concerning previous case, plaintiff wasn't aware of some of the options and standards concerning Motions & Orders relating to continual amending of motions for reconsideration in District Court when there is an clerical error that's why plaintiff called the Pro Se clerk for advice; If the Court would look at its' own Judgment and Order Brief the Court will see an clerical error on the time line dates of the first event of the infringement date November. 7, 2005, which is incorrect for record, the correct date time line is November. 10, 2004 its on first Complaint of plaintiffs action;

Cont'.

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Discussion

A. Legal Standard

As I Quote The Court:

As the Supreme Court Recently held in Bell Atlantic Corp. v. Twombly, _ U.S. _, _, 127 S. Ct. 1955, _ L. Ed. _ (2007), a complaint must be dismissed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for Failure to state a claim upon which relief can be granted if it does not plead "enough facts to state an claim to relief that is plausible on its face". Id. At 1974 (rejecting the traditional 12(b)(6)**(Clerical Error) standard set forth in Conley v. Gibson, 355 U.S. 41, 45-46 (1957)). To survive an motion to dismiss, the factual allegations in the complaint "must be enough to raise an right to relief above the speculative level. "Bell Atl., 127 S. Ct. at 1965. If a plaintiff has "not nudged [his] claims across the line from conceivable to plausible, [his] complaint must be dismissed. "Id. At 1974.;

Plaintiffs' Complaint on 06/29/07 was dismissed in its entirety with prejudice, unfairly without all the Evidence from defendants, filed in Court Records ("Discovery ") and a Writ of Error was filed pursuant to Rule SS 13, 24 – 31, 46, 52(4), 54, C.J.S. 635, A&E} MO State EX. REL. Howe v. Hughes , 343 Mo. 827, 123 S.W. 2D 105 (1938); Plaintiff also contest that concerning original U.S.C. Drawing, Registration Number#. V au.591-803, was not in Court Record, nor Ordered from the U.S.CO. ,according to U.S.C.O rules and regulations, (Compendium I, II: Copyright Office Practices (Chapter 1900), RECORDS, INDEXES, AND DEPOSITS OF THE COPYRIGHT OFFICE: INSPECTION, COPYING, ADDITIONAL CERTIFICATES, AND OTHER CERTIFICATES;

(Continued on Page 4)

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Section:SS 1902, *1902.08, 1903, 1903.01[ref. Inspection of Copyright Office Records in General; Materials Not Open For Public Inspection; Copying Copyright; (see) also 1904 and 1906; and 17 U.S.C. 706(b) and 37 C.F.R. 201.2(d);

In reference, to the Courts Opinions concerning controlling data, it is without question that plaintiff has met the criteria to survive an motion to dismiss, based upon the factual allegations of Federal Law and Rules concerning Complaint, plaintiff has raised a right to relief above the speculative level, concerning the previous and second new action involving defendants infringement of plaintiffs' U.S. Copyright design without Permission to broadcast, use, and build, such as in the new case concerning defendants action in the (Observed Date: 07/06/ 09 at 7:00am- thur- 8:00am) episode: Discovery or Science channel 111; Beyond Tomorrow 3 -- episode # 8 involving, Don Ferrell and Dawn O" Conner, collaborating to build a Pneumatic Elevator in their home which transgresses plaintiffs' U.S. Copyright claim. Based upon Plaintiffs' claim and title of ATST & TSSS (Va u. 591 - 803) which is a trade- secret, was one of the reasons plaintiff had to amend the first complaint, because plaintiff informed the Court and defendants in Motion for Default Judgment or Reply Motion to Dismiss that Litigation Statement-Form LS (17 U.S.C. 706(b) and 37 C.F.R. 201.2(d)) must be used according to U.S.C.O Rules and Regulations, referenced above in the text. This is the second reason why plaintiff gave the Court and the defendants a Draft of the original art from September.1982, because only the Title is revealed which is also an trade-secret, but Mandatory to register copyright work, and also later, according to U.S.C.O. Regulations works could be up-graded for errors and new related material according to trade-secrets etc., in Supplementation; (Continued on Page 5)

Cont'.

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Furthermore, as a breach in Federal Statutes and Unfair Competition Act, (SS 45 – 49,101,106,106a 501 – 504, 706(b)); defendants continue to broadcast and sell merchandise described, in first Complaint to Court without any accountability to Laws and Regulations governing U.S. Copyright Procedures and Rights and Protections of Intellectual Property Personnel (Michael Stillman v. Leo Burnett. Co.

United States District Court, N.D. Illinois, 1989. 720 F. Supp. 1353. see also 562 F. 2d at 1169

B. Plaintiffs' Copyright Claim

On June. 6,2003, plaintiff was issued a U.S. Copyright Certificate for design

(ATST & TSSS / Registration # V au. 591 – 803); with the induction of the copyright application in the U.S.C.O., plaintiffs' drawing indicates specifically what the design is because it's mandatory for registration and protection in case of potential infringement violators. The copyright claim consist of Rights to an original exclusive design by creating a work in size and structure to support transportation of passengers and cargo by the means of an Pneumatic Tunnel with Pneumatic Vehicles Trains or tubes and various other capabilities, which are trade-secrets I wish to disclose upon construction of project during patent process certification as my right under the 17 U.S.C. ACT concerning Supplementation described above in previous text. There are several methods of usage plaintiff lay claim to that are trade-secrets, acknowledging that Pneumatic bank tubes used at some automata's banks are not new, plaintiffs' claim is original and exclusive because it

SCIENCE

TV Listings — 07/06/2009

12:00 am	How It's Made 5 Episode 16 (30 minutes) TV-G, CC
12:30 am	How It's Made 5 Episode 17 (30 minutes) TV-G, CC
1:00 am	How It's Made 5 Episode 18 (30 minutes) TV-G, CC
1:30 am	How It's Made 5 Episode 19 (30 minutes) TV-G, CC
2:00 am	How It's Made 5 Episode 12 (30 minutes) TV-G, CC
2:30 am	How It's Made 5 Episode 13 (30 minutes) TV-G, CC
3:00 am	The Detonators Demolition (60 minutes) TV-G, CC
4:00 am	The Detonators Pyromania (60 minutes) TV-G, CC
5:00 am	The Detonators Sheer Force (60 minutes) TV-G, CC
6:00 am	Ultimate Guide: Dogs (60 minutes) TV-G, CC
7:00 am	Beyond Tomorrow 3 Episode 8 (60 minutes) TV-G, CC
8:00 am	Colossal Construction South Ferry Terminal Subway Station (60 minutes)

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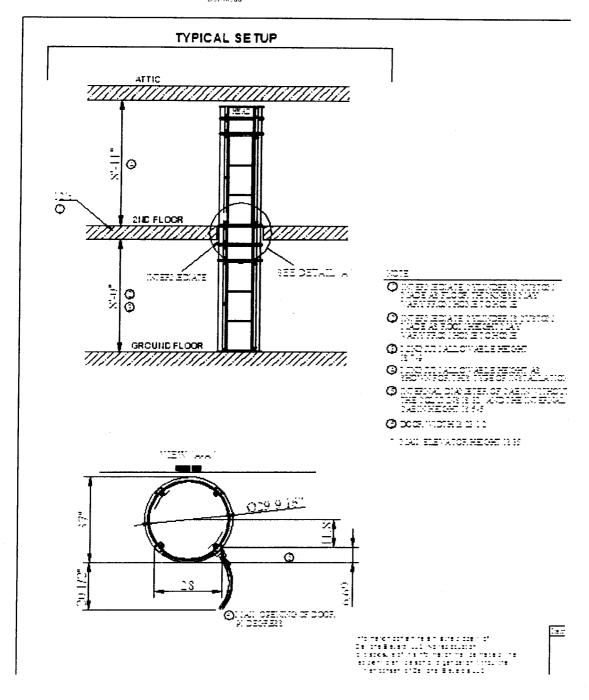
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Production and Technical Nodes

Presentation: DVD Time: 100 min.

About This Item

Work Review

The Polar Express was slow to pull out of the station in its theatrical run, but it gathered steam and continued to draw audiences throughout the 2004 holiday season, defying the typical pattern. It would be inaccurate to call it a "little engine that could,â€□ though, as director Robert Zemeckis' adaptation of the Chris Van Allsburg book is pretty much a roaring locomotive thrill ride. Zemeckis, who pushed the visual effects envelope with such films as Who Framed Roger Rabbit? and Forrest Gump, employs a process called "performance capture," digitally translating the movements of human actors into hyper-realistic animation. What the film lacks in personality, it more than makes up for with breathtakingly beautiful snowscapes. However, it threatens to derail in the time-padding action sequences that would be more at home in a video game, as the Express careers up and down mountains and skids across a frozen lake en route to its rendezvous with St. Nick. Keeping the film on track is Tom Hanks, who provides the human host for several characters, including the young boy (voiced by Daryl Sabara), the conductor, and a mysterious hobo who inexplicably camps on top of the train. Further powering The Polar Express are a heart-melting, Oscar-nominated ballad ("Believe"), a rollicking showstopper complete with dancing waiters ("Hot Chocolate"), and the instantly recognizable Jerry Lewis tones of prolific voice-over artist Eddie Deezen as Know-It-All, who has a lot to learn when it comes to Santa Claus.

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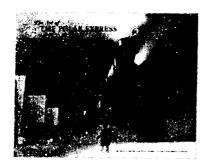
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Art of the Polar Express Mark Vaz, Chronicle Books, Steve Starkey, Steve Starkey, Robert Zemeckis (Introduction)



Store Price: \$40.00

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Trade Cloth, 144 pages

Chronicle Books LLC - November 2004

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About This Item

From the Publisher

The Art of The Polar Express celebrates the transformation of Chris Van Allsburg's celebrated children's book The Polar Express into a full-length, animated feature film through a fascinating collection of concept art, production storyboards, and computer-generated renderings. Production designer Doug Chiang shares his original, never-before-seen artwork that evolved into the final motion picture. Weaving these pieces together are candid interviews with the star-studded cast and crew, including Robert Zemeckis and his team of filmmaking visionaries, that deliver rare insight into the film as they divulge the secrets behind their creative process.

Synopsis

The Art of The Polar Express celebrates the transformation of Chris Van Allsburg's celebrated children's book The Polar Express

Author Description

Mark Cotta Vaz recently completed his 19th book, a biography of Merian C. Cooper, creator of King Kong which is scheduled to be published by Random House in 2005. Vaz's books on movie history include Industrial Light + Magic: Into the Digital Realm , which

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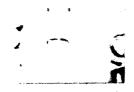
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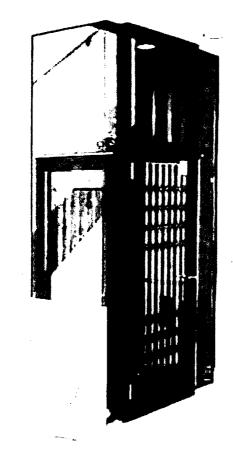
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